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Unravelling the dynamics of access to farmland in Tigray, Ethiopia : the 'emerging land market' revisited

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Corresponding Author: Ms. Kaatje Segers, MSc

Corresponding Author's Institution: Katholieke Universiteit Leuven

First Author: Kaatje Segers, MSc

Order of Authors: Kaatje Segers, MSc; Joost Dessein; Sten Hagberg; Yikunoamlak Teklebirhan; Mitiku Haile; Jozef Deckers

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Unravelling the dynamics of access to farmland in Tigray, Ethiopia: the ‘emerging land market’ revisited

Kaatje Segers^a, Joost Dessein^b, Sten Hagberg^c, Yikunoamlak Teklebirhan^d, Mitiku Haile^e, Jozef Deckers^a

^a *Department of Earth and Environmental Sciences, Katholieke Universiteit Leuven,
Celestijnenlaan 200E box 2411, B-3001 Heverlee, Belgium -
kaatje.segers@ees.kuleuven.be, seppe.deckers@ees.kuleuven.be*

^b *Social Sciences Unit, Institute for Agricultural and Fisheries Research, Burg. Van
Gansberghelaan 115 box 2, B-9820 Merelbeke, Belgium and Department of Agricultural
Economics, Ghent University, Coupure Links
653, B-9000 Gent, Belgium - joost.dessein@ilvo.vlaanderen.be*

^c *Department of Cultural Anthropology and Ethnology, Uppsala University, P.O. box 631, SE-
75126 Uppsala, Sweden - sten.hagberg@antro.uu.se*

^d *Department of Dryland Crop and Horticultural Science, Mekelle University, P.O. box 231,
Mekelle, Ethiopia - zameda14@yahoo.com*

^e *Department of Land Resources Management and Environmental Protection, Mekelle University,
P.O. box 231, Mekelle, Ethiopia - gualmitiku@yahoo.com*

Corresponding author: Kaatje Segers - tel. +32-16-32.97.34, fax +32-16-32.97.60

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Abstract

This article uses ethnographic evidence from Tigray to revisit the debate on informal rural land markets in present-day Ethiopia. It explores informal farmland rental from a historico-anthropological, micro-analytical perspective in relation to the formal allocation of land use rights and to other informal land transfer practices. It shows how different rationales for land rental give rise to different socially embedded tenancy configurations. On the basis of this empirical evidence, the paper questions the appropriateness of the common idea that in Ethiopia ‘the land rental market is expanding’. It argues that research and policy thinking on land in Ethiopia could gain analytical power and relevance by adopting a less monolithic and abstract view on people’s informal land transfer practices.

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1. Introduction

Based on ethnographic research in Tigray, this article aims to revisit and broaden the scientific and policy debates on informal rural land markets in present-day Ethiopia. A major resource for the country's agriculture-based economy and affected by recent radical tenure changes, land has become one of the most widely discussed and politically sensitive issues in the Ethiopian development debate. Throughout the imperial period, land inequality was high, until land was nationalized and land use rights were redistributed by the socialist Derg regime in 1975. Having carried out its own land reform programmes, the current Ethiopian People's Revolutionary Democratic Front (EPRDF) government enshrined smallholder farmers' land use rights in its 1994 constitution. Although restrictions on land transfer remain in place, the EPRDF lifted the 1975 ban on land lease in 1991, after which land rental market activity was found to increase all over the country (see, among others, Dessalegn Rahmato, 2004; Kassa Belay and Manig, 2004; Tesfaye Teklu, 2004; Tesfaye Teklu and Adugna Lemi, 2004; Benin et al., 2005; Girmay Tesfay, 2006).

Economists have set themselves the task to assess the performance of the emerging land rental market in terms of allocative efficiency and productivity as well as redistributive effects. Yet, empirical evidence on several aspects of the functioning of the land rental market remains inconclusive. A first issue is that some authors find that informal rural land markets¹ decrease land inequality (Tefaye Teklu, 2004; Tesfaye Teklu and Adugna Lemi, 2004; Pender and Fafchamps, 2006), whereas others conclude the opposite (Deininger et al., 2008b; Deininger et al., 2009). Second, there is no consensus on the efficiency of agricultural production on rented

¹ As Ethiopian law forbids farmland sale, the terms 'land rental market' and 'land market' are used interchangeably.

land versus owner-operated² land. Indeed, there is mixed evidence of higher (Croppenstedt and Mulat Demeke, 1997; Benin et al., 2005; Bezabih Emana et al., 2006; Menale Kassie and Holden, 2007), similar (Atakilte Beyene, 2003; Girmay Tesfay, 2006) and lower (Gavian and Ehui, 1999; Ahmed et al., 2002a; Deininger et al., 2008b) input use and productivity on rented than on owned land³. Although these divergent findings may be due in part to differences in research area and methodology⁴, authors tend not to include research design characteristics as explanatory factors⁵. In addition, uncertainty may preclude conclusive results even within a single study (see, among others, Pender and Fafchamps, 2006)⁶. With regard to policy, it is argued that land registration could stimulate land rental markets by enhancing tenure security (Workneh Negatu, 2001; Dessalegn Rahmato, 2004; Benin, 2006). However, empirical research has failed to provide convincing evidence that the government's recent large-scale registration programmes are effective in this respect⁷.

² Strictly speaking, Ethiopian farmers are not land owners but holders of land use rights. We use the two terms interchangeably.

³ Gavian and Ehui (1999) find that tenants apply inputs more intensively than owners, but are comparatively less productive due to the lower quality of inputs or input application.

⁴ Studies differ on the level of the sampling design, the input measures recorded and the method of data analysis, among other things. Some of the studies mentioned here were performed on the same dataset.

⁵ A recent exception is Holden et al. (2009).

⁶ The authors do not consider their results powerful enough to reject the possibility of moderate Marshallian inefficiency, despite the finding that input use and yield differences between sharecropped and owner-operated land are insignificant.

⁷ Holden et al.'s (2007) claim that land registration in Tigray has increased land rental market participation needs further investigation. The authors find that, for a sample of around 300 households, the ratio of rented-out to rented-in land changes from 8.5 in 1997 (before registration) to 0.8 in 2000 (after registration), but they do not explain this sudden shift. If correct, households not included in the sample

While some questions have remained unanswered, others have been left unasked. First, the large majority of land rental transactions in Ethiopia are between relatives, neighbours or friends (Kassa Belay and Manig, 2004; Deininger et al., 2008b; Deininger et al., 2009). While the efficiency of contracts between kin and non-kin partners has been compared (Holden and Hosaena Ghebru, 2005; Menale Kassie and Holden, 2007; Menale Kassie and Holden, 2009), the meaning, causes and wider consequences of land rental's social embeddedness have been little studied. Second, several authors report considerable discrepancies, of a factor of five and more, between the total areas of farmland rented-out and rented-in by all households in a survey sample (among others Kassa Belay and Manig, 2004; Tesfaye Teklu and Adugna Lemi, 2004; Holden et al., 2007). While a non-zero sum game is theoretically possible if the sample selection is biased against either lessor or lessee households, the authors do not question or explain these disproportions. More generally, it could be argued that existing research tends to de-contextualise and de-historicise Ethiopian land tenure and transfer practices. Questions of lessors' and lessees' asset portfolio composition have primacy over motivational issues while the relations between land rental and other informal land transfer institutions receive little attention. Time horizons usually do not extend beyond the last land reform while research on continuities with pre-reform situations is in its infancy (Bereket Kebede, 2008).

This paper seeks to fill some of these gaps by exploring land rental in Tigray from a historico-anthropological, micro-analytical perspective. This approach starts from 'real practices, current as well as past, on every parcel of land and from the social interactions surrounding these practices to explain the conditions of access to land' (Colin, 2004, own translation, pp. 64). Elsewhere,

must have experienced a reverse shift and processes other than land certification are likely to have played a role.

anthropologists have demonstrated the relevance of such a processual, comprehensive approach to explain changing issues of land tenure and informal transfer. Chauveau (2006) analyses how the evolution of the *tutorat*, the institution that regulates the transfer of land rights from autochthones to migrant farmers in Côte d'Ivoire, has paralleled changes in the social relations between these two groups and in intra-household land relationships among the former. Colin (2005) shows that sharecropping in Mexico is polymorphous and multifunctional, thereby challenging common economic interpretations of the institution. Also, there is ample evidence that commercial land transfers in West Africa are firmly embedded in social relations, which challenges existing ideas of land commoditization and land market development in the region (Lavigne Delville et al., 2002; Chauveau et al., 2006; Colin and Ayouz, 2006; Hagberg, 2006; Lentz, 2006; Lentz, 2007). Finally, different authors argue that land registration in Africa not only involves recognition but also transformation of existing land rights (Shipton and Goheen, 1992; Le Meur, 2006).

It is in this spirit the present study empirically investigates people's access to farmland in one locality in Tigray. After a description of the research area and methodology, we outline the successive land tenure regimes and explore the main land rental institution in the period before the last land reform two decades ago. We then discuss this reform and the current formal distribution of land use rights, the latter being the outcome of the former and of the time that has passed since then. In the next section, we examine how people superimpose land exchange and loans upon this formal land use rights pattern. Next, we show how land rental transactions add a third 'layer of rights' (Lentz, 2006, pp. 10; Lentz, 2007, pp. 41)⁸. In the study area, four broad categories of rationales for sharecropping and a niche role for fixed fee rental can be

⁸ Similarly, Shipton and Goheen (1992, pp. 311) talk about 'overlapping rights' and Juul and Lund (2002, pp. 5) about 'multiple tenures'.

distinguished, each giving rise to a specific tenancy configuration. To conclude, we confront this empirical evidence with the received idea of an expanding Ethiopian land rental market and a number of the unresolved issues discussed above. We argue that land rental questions are most effectively addressed by disaggregating them and by including ethnographic insights into the various actors' differential social logics.

2. Research area and methodology

Our research area is the Degua Temben *wereda* or district, west of the regional capital Mekelle in the Tigray highlands. Tigray is Ethiopia's third poorest region and poverty is demonstrably associated with small land sizes (Jayne et al., 2003; World Bank, 2005). Average arable land size estimates for Tigray, ranging from 0.5 to 1 ha per household, are indeed below estimates for the country as a whole (Jayne et al., 2003; World Bank, 2005; Deininger and Jin, 2006; Bereket Kebede, 2008; Deininger et al., 2008a). With an average household landholding of 0.9 ha⁹ Degua Temben is within this range. The regional land Gini coefficient is around 0.45 (Gebru Mersha and wa Githinji, 2005; World Bank, 2005; Fredu Nega, 2008). Although there is variation across villages (Holden and Hosaena Ghebru, 2005), recent research finds around half of the Tigrayan households (Bezabih Emana et al., 2006; Girmay Tesfay, 2006; Holden et al., 2007; Hosaena Ghebru and Holden, 2009) participate in land rental¹⁰, which is in line with our estimates for the research area¹¹. Over 90% of the district population are subsistence farmers whose main

⁹ Own calculation based on Degua Temben district administration data.

¹⁰ Estimates for neighbouring Amhara region are in the same order of magnitude (see, among others, Omiti et al., 1999; Sharp et al., 2003; Deininger et al., 2008b).

¹¹ Also, 56% of the households in Hosaena Ghebru and Holden's (2009) sample in another sub-district of

economic activity is integrated rainfed annual crop and livestock production. Pulses and cereals are the major crops. Oxen provide draught power for ploughing, which is an exclusively male activity. In the centre of the district, the town of Hagere Selam is rapidly developing. Degua Temben consists of eighteen *tabyas* or sub-districts, the lowest formal administrative level. Our research concentrated on one sub-district with about 1050 households¹², spread over three *qushets* or villages.

Empirical data for this paper were gathered as part of a larger ethnographic study on rural development in Tigray. Fieldwork was spread over two periods, the first from March 2005 to February 2006 and the second from August 2006 to May 2007. We collected the main body of data through participant observation and through interviews with farmers in the sub-district in our case study (de Certeau, 1984; Olivier de Sardan, 1995; Le Meur, 2002; Bernard, 2006). In addition, we combined information from interviews with the sub-district land register and farmers' land certificates to list all farmland plots for which the members of 25 households had acquired either formal or informal, derived use rights on. For every plot, we recorded a number of physical properties (location, size in *tsmdi*¹³, local fertility class), details about the acquisition of use rights (when, how, from whom), the content of these rights and the rights of other use rights holders to the same plot. Over two growing seasons, we monitored these 25 households' decisions relating to the transfer of land use rights and land management for the fields concerned and possible new ones. For every field, households reported the different right holders'

Degua Temben participate in land rental.

¹² The 2006 number according to our own census.

¹³ One *tsmdi* is the area of land that can be ploughed in a day by a yoke of oxen. The size of a *tsmdi* depends, among other things, on the soil type, the stoniness and the topography of a plot. In the research area one *tsmdi* averages 0.29 ha (Hennebert, 2006).

contributions of labour, draught power, seed and fertilizer and their shares in the harvest (grain, straw and hay). In addition, we studied the relevant national and regional land proclamations. Existing ethnographic sources served as a baseline for comparison with informants' narratives of the pre-reform and early post-reform eras.

3. Access to land in Degua Temben in imperial times and under the Derg

In imperial times, until the mid-1970s, persons who could trace their maternal or paternal ancestry to the village founders, held *rsti* rights on the village farmland¹⁴. Through exercising these rights, they could claim and obtain use rights on particular fields. *Rsti* land was inheritable but could not be sold, though exchange was allowed. Local noblemen and gentry used their influence to acquire large *rsti* holdings in different villages¹⁵, whereas the *rsti* farmland of many ordinary households was too small to be viable. In addition, villages normally reserved part of their agricultural land for the local church. Actual access to land for ploughing was regulated by a number of informal land rental institutions, each with a myriad of variations. The most common institution in the research area was *mwufar* sharecropping¹⁶. *Mwufar* consists of a temporary

¹⁴ A more complete description of *rsti* and other land tenure systems during imperial times can be found in Bauer (1973), Hoben (1973), Bruce (1976), Dessalegn Rahmato (1984), Hendrie (1999), Crummey (2000) and Asmelash Woldemariam (2006).

¹⁵ It was common for the use rights on a field to be disputed among different *rsti* rights holders. Mainly through prolonged and expensive litigation, rich and powerful people tended to settle such disputes to their advantage. Hoben (1973) covers this in detail.

¹⁶ See Byres (2006) for a general introduction to sharecropping and Hendrie (1999) for an elaborate description of *mwufar*. *Mli* is a *mwufar* variant that households used in order to rent out plots that they had

transfer, normally for the duration of one agricultural season, of the use rights on a plot of land in exchange for a share of the grain harvest. In late imperial times, it had become common for lessees to offer the lessor a *mewgaya* (or gift) on top of this¹⁷. The lessee provides all inputs and receives the straw in addition to his part of the harvest.

At one end of the wealth spectrum, local elites and churches used to rent out part of their land through *mwufar*, either because they owned more land than they could manage or because it was more lucrative to use resources (oxen, labour and seed) on fertile rented-in fields rather than on their own marginal fields. At the other end, poor *rsti* smallholders lacking the resources to cultivate their own land offered land for *mwufar* as well. Land made available through *mwufar* was used by large land owners seeking to improve their land portfolio with highly productive land and by better-off smallholders with oxen who wished to expand their cultivated area. Distress land rental was a constituent part of clientelistic relations between rich and poor households. Poor households provided their patrons with additional land, unpaid labour, gifts and political support in exchange for the loan of grain and oxen, and paid work on the latter's large estates.

Under the slogan 'Land to the tiller', the Derg nationwide land reform of 1975 put an abrupt end to *rsti* tenure and levelled differences in landholding¹⁸. Land became public property and

managed to plough but were unable to cultivate because they lacked seed just before the start of the sowing season. Segers et al. (forthcoming) investigate the disappearance of this distress rental institution following the introduction of microcredit programmes in the research area.

¹⁷ In still earlier times, when land was abundant, landlords used to give gifts as a *mewgaya* to their tenants (see also Hendrie, 1999).

¹⁸ We refer to Dessalegn Rahmato (1984), Bruce et al. (1994) and Hendrie (1999) for an in-depth

households were granted land use rights by the state. In this top-down reform, former powerful land owners often managed to maintain disproportionate shares of land¹⁹. Land sale, rental and mortgage were forbidden, as was agricultural wage work. As the Derg had difficulty maintaining authority in the research area, *mwufar* continued to be practiced, despite being outlawed. In fact, some of the (changes in) land rental practices discussed below might actually have emerged under the Derg rule, although this period was too short and turbulent, with the rural population suffering Derg terror, civil war and famine, for them to crystallize. After having driven the Derg from Degua Temben in 1988, the revolutionary Tigray People's Liberation Front (TPLF) took control, reversing the Derg land redistribution and implementing its own reform in 1990.

4. The 1990 TPLF land reform and the current distribution of formal land use rights

By 1990, the TPLF - the Tigrayan branch of the EPRDF, which was soon to defeat the Derg and extend land reform to the rest of the country - had gained considerable experience with land reform in liberated areas²⁰. Hence, the TPLF reform in Degua Temben was well prepared and it was carried out in a participatory manner by village committees of farmers. Informants are unanimous in their view that land was fairly distributed²¹.

discussion of the Derg land reform.

¹⁹ Young (1997) and Hendrie (1999) made similar observations.

²⁰ For a detailed account of TPLF land reform, see Dessalegn Rahmato (1984), Bruce et al. (1994), Hendrie (1999), Atakilte Beyene (2003), Asmelash Woldemariam (2006) and Atakilte Beyene (2006). The number, timing and details of implementation of land redistributions in Tigray vary with location.

²¹ This contrasts people's opinion on the 1997 EPRDF land reform in southern Amhara region (Ege, 2002).

In principle, land use rights were allocated to individuals. Men aged 22 and over and women aged eighteen and over residing in a village at the time of the distribution received a share of village land called 0.5 *gbri*. In addition, parents received 0.25 *gbri* per two minor children. In practice, all arable land in the village was categorized as *regwid* (fertile), *machelay* (intermediate) or *reqiq* (infertile), according to the indigenous soil fertility classification. It was then divided in plots (or in some cases in sets of two plots) of equal value, with the value an aggregate of land quality and size. Next, all plots were distributed in two or three rounds, depending on the village. All land was randomly assigned to village inhabitants using a lottery system, except in the first round where *dhribet*, plots adjoining homesteads, were raffled among the owners of these houses only. In the first round, mainly fertile plots and *dhribet* were distributed. Before the second round, the remaining original plots had to be divided into halves in order not to run out of land. In every round, an undivided double share was normally allotted to a husband and wife, and sometimes to two adult unmarried siblings, who thus became the joint owners of one *gbri*. Children's land was either included in their parents' share or constituted a separate first or second round field. One year later, the fields of people who had died as well as any leftover fields from the reform were granted as a *tamot* (literally 'taster') to new adult individuals and small groups of newborn children, not necessarily from the same household.

Since 1990, no other land reforms have taken place in the research area, nor are any expected in the near future²². Hence, the current formal distribution of land use rights is still based on the 1990 reform, for which successive federal and regional land proclamations have provided a legal basis. To date, the key principle that adult inhabitants of the sub-district are entitled to 0.5 *gbri* of farmland has remained unchanged. However, in practice, due to population growth around 450

²² The Tigray regional government has repeatedly declared itself against future drastic land redistributions (Pender et al., 1999; Mitiku Haile et al., 2005; Atakilte Beyene, 2006).

young adults in the sub-district are landless or land-poor, meaning they own less than 0.5 *gbri*²³. On the other hand, many landless and land-poor farmers have acquired formal land use rights, up to a maximum of 0.5 *gbri*, over the last two decades. First, the fields of owners who died without heirs after 1991 were returned to the state, except for soldiers, whose land was awarded to their next of kin as damages. These vacant farmlands, as well as small pieces of converted communal grazing land, were allocated to the most senior landless and land-poor farmers by the sub-district administration. However, the majority of those who obtained land use rights after the reform inherited these from their parents or grandparents²⁴. Legally, the landholding of a deceased person can be divided among his or her heirs if no plots smaller than 0.25 ha are created²⁵. In practice, however, plots are rarely divided. Instead, landless and land-poor heirs tend to become joint owners of the fields inherited from their parent or grandparent. As soon as such a co-owner acquires 0.5 *gbri* by inheritance or from the government, he or she loses the use rights on these jointly owned fields, which from then on belong to the remaining heirs only. To summarise, as a result of the TPLF land redistribution and the subsequent adjustments described above, not only do most people today have formal use rights on several plots, but many plots also have different owners²⁶.

²³ At the beginning of 2006, 463 candidates for land were registered with the sub-district administration. However, this number includes a few farmers with 0.5 *gbri* waiting for an additional field in the remote lowlands of the sub-district to bring under irrigation.

²⁴ The 2002 amendment no. 55/1994 to the 1997 Tigray land proclamation no. 23/1989 (repealed) and the 2006 Tigray land proclamation no. 97/1998 allow inheritance from grandparents if there are no first generation heirs.

²⁵ Article 16.4 of the repealed Tigray land proclamation no. 23/1989 and article 15.4 of the current Tigray land proclamation no. 97/1998.

²⁶ Here, we disagree with Atakilte Beyene (2006, pp. 129), according to whom 'it is irrelevant to assume

5. Land exchange and lending

In the two decades after the 1990 land redistribution, many holders of formal land use rights in the sub-district have informally transferred land to others through exchange or lending. Through both mechanisms, the recipient acquires full use rights to a plot, including the right to rent it out, while the owner retains the legal title, allowing him or her to cancel the transfer. Land owners started interchanging plots for efficiency reasons immediately after the reform. In a common scenario, two farmers who both have formal use rights on a plot that is far from their own home but near the other farmer's home may decide to exchange these plots. Alternatively, one or both exchanging parties may obtain a plot adjacent to a field for which they already have use rights, thereby reducing the fragmentation of their landholding. Normally, the two parties, usually unrelated to each other, cover themselves by asking an elder to witness or possibly break the agreement.

In the case of lending, use rights to a field are transferred in only one direction. Depending on the situation, land loans in the research area are either for a specified or indefinite period²⁷, though they generally extend over several years. The most common type of land loan is made by parents to their children. Both sons and daughters generally receive a piece of land from their parents upon marriage, a habit dating back to imperial times. Parents who obtained land for their children

multiple user rights over arable land in the [Tigrayan] smallholder farming system'.

²⁷ At any rate, lenders can reclaim their land. Hence, following our informants, we do not distinguish between a long-term or indefinite land gift and a short-term or fixed-term loan, as some authors do (Ahmed et al., 2002b; Pender and Fafchamps, 2006 among others).

in the TPLF redistribution can lend either this land, or a part of it, or part of their own 0.5 *gbri* to their children. But also parents without such land have recently begun to lend parts of their own land to their children. While some farmers require their children to return the borrowed plot once they or their spouses are granted formal land use rights of their own, others do not. In fact, much depends on the relationship between the two generations. For instance, we found farmers who started to borrow a field from their parents after they had obtained their own 0.5 *gbri* in 1990. In contrast, other parents were found to have reclaimed their land from a formally landless child due to conflict, as in the case of a farmer whose daughter-in-law's parents had called him a miser. Finally, we observed women farmers who lend back to their parents the land they had borrowed, either because they were divorced or because they had moved to their husband's village and had thus become unable to cultivate their parents' field²⁸. Land loans between other family members, for instance by an older sibling to a younger landless one, also occur although less frequently. Another common type of lending is between siblings who jointly inherited a landholding: when one or more co-owners do not exercise their formal rights to manage and harvest the land, they, more or less implicitly, lend their share in the land to the others. This is often the case when one parent dies and the children depending on the remaining parent delegate the use of the deceased parent's land to their older independent brothers and sisters. Finally, orphans normally lend the land they inherited to their foster parents until they reach adulthood.

As a result of such transfers, and despite a rather straightforward and equitable formal distribution of land use rights by the TPLF in 1990, current households in the research area tend to hold complex and evolvable land portfolios, composed of a number of formally owned and informally transferred dispersed fields and shares in such fields. Notably, this also applies to households containing formally landless or land-poor individuals.

²⁸ We noted one case where a daughter rented a field to her parents that she had borrowed from them.

6. Multiple logics of land rental

Both owned land and land obtained through exchange or lending can be rented; borrowed land and rented land are therefore not mutually exclusive categories. Land rental simply adds an extra layer of rights to a piece of farmland. More specifically, a tenant is entitled to cultivate a field in exchange for paying a fee or a share of the harvest, or both, to the land owner or borrower. But, just as under the former *rsti* tenure system, land rental today is governed by different rationales. In this section, we discuss the multiple logics of land rental and the different tenancy configurations they generate. Since, in practice, every transfer of land use rights has its own particularities, the proposed categorisation of land rental types is obviously not strict or unique. Instead, it should be viewed as an empirical account of the wide range of rights transfers covered by the blanket term of land rental in rural Tigray.

A first group of lessors includes farmers whose lack of other productive resources compels them to rent out their land. The causes and types of shortages are diverse, ranging from harvest failure or death of an ox to illness of the head of the family. A common feature is that the land is rented out of necessity and as a transitional measure. Nevertheless, households may need to rent out land for years, such as when a young widow rents out land until her son is old enough to plough it. Farmers strongly associate this kind of rental with failure to manage a farm, with loss of independence and, more generally, with poverty. The decision of which fields to rent out is a strategic one, based on optimal use of available resources. Thus, oxenless farmers will mostly offer small and distant plots for rental because it is more advantageous for them to use the oxen they rent or borrow for ploughing large and contiguous fields. Households that are short of seed generally choose to rent out their least fertile land. Alternatively, poor households may rent their

share in a field to a co-owner, such as in a sharecropping agreement between two farmers whose minor children jointly own a *tamot*, in order to ensure profitable or sustainable management of the rented land. Similarly, beginning farmers who are land-poor or lack the necessary resources to cultivate their land may temporarily work as migrant labourers until they receive additional land or manage to save some money. Contrary to most established farmers, these starters usually rent out all their land²⁹. This is also the case for young divorced women who received land in their husband's sub-district but returned to their parental home in another sub-district upon divorce. In due course, they generally remarry or obtain land in their parents' village and restart cultivation, but meanwhile they often have little choice but to rent out their land.

As in the past, this kind of distress land rental by poor farming households mainly happens through *mwufar* sharecropping. Due to growing land scarcity, however, tenants are increasingly required to pay rental fees at the start of the agreement, in addition to half of the harvest, as is now common³⁰. Such a lump-sum payment has largely replaced tenants' formerly common gifts as a *mewgaya*. Occasionally, though, lessees still complement the cash fee by ploughing the lessor's self-cultivated fields. Since a household may wish to start or resume farming its rented land at the start of a new growing season, standard contract duration is one year. When a lessor allows the lessee to subtract the amount of seed sown from the harvest before dividing it in equal shares on the threshing floor, this signals the end of the *mwufar* agreement. Otherwise, the

²⁹ At the time of the fieldwork, article 6.3 of the 2006 regional land proclamation no. 97/1998, which allows farmers to rent at most half of the land they have formal use rights to, had not been implemented in the research area.

³⁰ Average input-output ratios are difficult to estimate on the basis of our data, but a common complaint among farmers is that, with the current level of *mewgaya*, lessees make no profit except for the straw they harvest.

contract can be extended for another year, though the lessor can still terminate it as long as the ploughing season has not started. In this first configuration, farmers' rental decisions are mainly motivated by an assessment of their own ability to successfully cultivate a particular field. The lessees are resource-rich farmers, typically relatives, neighbours or friends. For these land-seeking farmers, a distress *mwufar* contract provides a rewarding opportunity to temporarily increase their access to land, though one which is not dependable in the longer run.

Although 'forced' *mwufar* thus survived land reform, a number of factors, apart from farmers' aversion to it, have limited the supply of land for *mwufar* by resource-constrained farming households in post-reform years. First, more and more farmers have landless or land-poor adult children to whom they lend or rent land, often regardless of their own capacity to cultivate it. Second, the introduction of microcredit programmes around a decade ago has helped farmers to regain and keep control over crop production on their land, as they now use microloans to counter seed and oxen shortages (Segers et al., forthcoming). Third, at the beginning of 2007, land rental became a reason for exclusion from employment in the public work component of the government's Productive Safety Net Programme. Sub-district administrators argued that, by parting with their land, poor farmers fail to take advantage of the development opportunities provided by the state and hence do not deserve government support. To avoid loss of income from the food-for-work programme, many farmers therefore decided not to renew their *mwufar* contracts for the 2007 growing season. While this measure may affect any potential lessor household, obviously the stakes of poor farming households in safeguarding access to food aid are comparatively high.

A second group of *mwufar* agreements in the research area are made between farmers and their independent children, or occasionally, their widowed children-in-law. In fact, these sharecropping contracts are similar to land lending, except that in this case the land owners are compensated for

their land ‘loan’ by half of the yearly harvest. There is no *mewgaya* payment. Lessees are not necessarily resource-rich and sometimes also borrow their parents’ oxen to plough the land they are renting from them. As in the case of lending, farmers may rent land to landowning as well as to formally landless or land-poor children. Again, it is mainly the relationship between the parents and the child, together with the former’s commitments to other children, that will determine the extent and duration of the *mwufar* agreement. Hence, while parents can end the land rental agreement after every growing season, children-lessees generally feel confident they will not normally exercise this option. This is more the case when parents, besides being driven by altruistic motives, have become unable to cultivate their own land without help, mostly due to labour shortage. Indeed, intergenerational *mwufar* seems to gain significance as parents age or become widowed and more and more children leave the parental household. In such cases, it is common for the lessees to also help their parents farm their remaining ‘self-cultivated’ land. For instance, a child may rent half a field, but cultivate it entirely and take one quarter of the total harvest and all or half of the straw³¹. Like the former, this type of sharecropping also dates back to imperial times (Bauer, 1973).

Third, farming households choose to rent out small marginal pieces of land, which accounts for a considerable proportion of *mwufar* contracts, but only for a comparatively small part of the total sharecropped area. This type of rental is logically similar to land exchange in that it is the field’s properties that keep the lessor from farming it. In the sub-district under study, such fields are mainly found in one cluster in the lower-lying dryer extremities and another one in an area where crops tend to suffer damage from rodent pests and monkeys. Fields in the first group need irrigation, while fields in the second group require intensive surveillance to yield a satisfactory harvest. Many of the owners of these mini-plots have been renting them out to the same farmer

³¹ This is not to say that aging parents are only assisted by children who rent land from them.

without *mewgaya* payment since the land reform; they do not intend to ever reclaim them. Among the lessors, several households also hold *mwufar* contracts as lessees, indicating that this type of rental is a matter of efficiency for farmers. The tenants mostly live near these marginal areas or have succeeded in renting several nearby plots from different owners, giving them the advantage of distance or scale over the land owners.

Fourth, a considerable fraction of sharecropped land in the sub-district is offered for rent by non-farmers, many of whom do not reside there. Part of this group of lessors did not live in the sub-district in the years before 1990, but returned to their home area at the time of the land reform. After having acquired land use rights, many of them left again, subsequently renting out their land. In addition, a number of farming households abandoned agriculture in the course of the post-reform period and have also become permanent lessors. This group is very diverse, including self-employed people in, among other things, construction, handicraft manufacturing, tailoring, petty trade and small catering businesses, mainly in Hagere Selam. But it also contains people who have migrated to Mekelle or further afield to work as labourers, businessmen or officials or to serve as soldiers or priests. They have in common that they do not plan to reengage in farming and view their land as an income-producing property. These migrants usually rent out all their fields under a single *mwufar* contract, which hence is more valuable than other *mwufar* types in terms of both land size and average fertility.

These non-farming owners are more inclined than farmer-lessors to exploit market-like competition in selecting a tenant. This is because families that have moved away, often a long time ago, are less embedded in the local community and have fewer close relatives and friends among the sub-district inhabitants. Moreover, as several fields are rented out in one go, only a limited number of wealthy farmers, who can mobilize the necessary resources, qualify as lessees. A number of the migrant-lessors therefore reconsider the *mwufar* agreement annually. They, or a

local trusted party authorized to act on their behalf, decide on renewal depending on the past harvest and the promised *mewgaya* payment. As with distress land rental, the end of the contract is signalled by the lessor returning the seed. Exceptionally, different candidates bid against each other to obtain a contract, pushing up the level of *mewgaya*.

However, many non-farmers are not (or not only) driven by land income considerations and their land rentals are often strongly socially embedded. A *mewgaya* is not required in a *mwufar* agreement with a non-farmer, and kinship or other social relationships may influence the choice of tenant. For instance, single women café owners may rent their land to the farmer who most regularly invites his friends to their bar, thus prioritising income from business over crop produce. We also observed cases where a land owner who was disappointed with the yield produced by his cousin-lessee rented his land to another cousin without considering renting it to someone else at a higher rent. Also, candidate-lessees may argue by degrees of affinity with a lessor to claim a *mwufar* contract. Many non-farmers unconditionally sharecrop their land with a favourite relative, a former companion in arms in the revolution, foster parents or a sibling with whom they jointly inherited their parent's land. Often, such a privileged lessee reciprocates the favour, for instance by paying the land tax on behalf of the lessor or applying mineral fertilizer on the sharecropped land. Perhaps counter-intuitively, *mwufar* sharecropping by non-farmers does not necessarily gain importance as non-agricultural employment opportunities expand. The number of non-farmers owning arable land is limited by the fact that farmers in the sub-district tend to receive formal land use rights at an increasingly higher age, long after the decision whether or not to abandon farming and to emigrate has been taken.

Finally, there are two specific situations where arable land is rented for a fixed fee, without crop-sharing. First, the fields belonging to the local school are rented to the highest bidding farmer in the sub-district every year. Second, farming households in dire financial straits may rent out all

their land for a year in exchange for a lump sum at the start of the agreement. Locally called land ‘sale’, this is considered a worse misfortune than having to give up land for *mwufar* sharecropping. It is associated with deep poverty and dependence. Households that ‘sold’ their land often have little choice but to temporarily try their luck elsewhere. This type of distress rental has existed since imperial times, but has always been rare³². Recently, however, the institution has gained importance as bankrupt farmers have started to fall back on it to repay their microloans (Segers et al., forthcoming)³³. In both instances of fixed fee rental, the tenants are rich farmers who are able to rapidly raise the necessary cash and productive resources to cultivate the additionally acquired area.

7. The ‘emerging land market’ revisited

In this section, we show how this local empirical evidence feeds into the wider debate on rural land markets in Ethiopia. Returning to the introduction, we challenge a number of received wisdoms and suggest possible pathways for addressing unresolved issues. One thing that may be questioned on the basis of our observations is the appropriateness of the very notion of an

³² Hendrie (1999), Atakilte Beyene (2003), and Girmay Tesfay (2006) also note the dominance of sharecropping in Tigray. In addition, Bruce et al. (1994) confirm the pejorative connotations of land ‘sale’ in former *rsti* areas. The proportions of sharecropping and fixed fee rental contracts vary strongly across the country (compare, for instance, Ahmed et al., 2002b; Kassa Belay and Manig, 2004; Benin et al., 2005; Workneh Negatu, 2006; Deininger et al., 2008b).

³³ This offers an alternative explanation for the correlations between access to credit and the incidence of fixed fee rental, which are thought to reflect the positive effects of credit markets on lessees’ capacity to pay advanced fixed rent (Ahmed et al., 2002b; Benin et al., 2005).

‘emerging informal land market’ as a way of describing the multifunctionality and dynamics of sharecropping and fixed fee land rental institutions in rural Tigray. Not only is the concept exogenous – in the local language there is no such thing as a land ‘market’ –, but it also implies the existence of a homogenous set of land transactions of a commercial nature. Actually, however, it lumps together various land use rights transfers, which, in spite of their relative uniformity, follow disparate and unrelated logics and which generally do not take place through a competitive market, where the land price is determined by supply and demand. In addition, we did not find evidence that land rental as a whole is on the increase in the research area. Instead, the various tenancy configurations seem to gain or lose importance differentially under the influence of demographic, political and economic changes. In this respect, it may be useful to distinguish between the early post-reform years, when informal land rental ‘re-emerged’ to adapt the formal blank condition of ‘perfect land equality’, and the past ten to fifteen years. Remarkably, we do not know of any longitudinal study demonstrating that land rental in Tigray has increased during this second period³⁴.

With regard to research questions and design, we would argue that land market surveys, by aggregating rental transactions with different logics, tend to overlook information that could improve understanding of the phenomenon of land rental. First, most economic studies on land rental profile lessors and lessees by examining the correlations between households’ rental behaviour and different dimensions of their asset base. However, this approach has its limitations. For example, the finding that oxen ownership is negatively correlated with renting out land (Bezabih Emana et al., 2006; Deininger et al., 2008b; Hosaena Ghebru and Holden, 2009; Menale Kassie and Holden, 2009) overlooks the possibility that farmers may rent marginal land

³⁴ Comparing time-spaced estimates of land market participation (for instance, Hendrie, 1999; Bezabih Emana et al., 2006; Girmay Tesfay, 2006) does not allow us to conclude an increase either.

irrespective of their access to oxen. Equally, it fails to recognize the difference between a farming household that rents out land because it lacks oxen and a household that has exchanged its ox for a dairy cow because the head of the family has become a shopkeeper, for instance. Such distinctions, however, are essential to assess, among other things, to what extent land rental substitutes for oxen or credit markets. Similarly, research demonstrates that, on average, land is transferred from older to younger farmers through renting (Bezabih Emana et al., 2006; Samuel Gebreselassie, 2006; Deininger et al., 2008b; Hosaena Ghebru and Holden, 2009). However, this finding could be the net result of diverging trends, which the conclusion fails to reveal. On the one hand, formal land use rights are concentrated among the older population and parents sharecrop land to their children. On the other hand, young farmers tend to be at a disadvantage in the competition for large *mwufar* agreements with non-farmers and fixed fee rental contracts due to their weaker ties to long-gone emigrants and their relative lack of agricultural resources³⁵. The fact that farmers in the research area rent land to lend it to their independent children supports this second part of the equation. This suggests that these and many other observed correlations, which obviously we do not doubt, hide as much as they reveal. This becomes particularly problematic when such correlations are interpreted as causal relationships, which may then be used to inform policy-making.

Second, while every sufficiently large random sample of households or fields in a village would logically contain instances of land rental of each of the different tenancy configurations, our evidence suggests that it would be wrong to assume that samples are necessarily representative of the actual mixture of land rental types. For instance, due to the concentration of non-agricultural employment opportunities in towns and cities, non-farmer lessors tend to be underrepresented in a

³⁵ In this respect Mitiku Haile et al. (2005, pp. 28) also mention younger farmers' lack of 'successful track records'.

household sample taken in rural areas. Among other things, this may lead researchers to observe that the total area of rented-in land is larger than the rented-out area. Importantly, such a bias against urban dwellers, introduced by a rural focus on land tenure, has a wider relevance than to land rental alone; some emigrant land owners lend their fields or continue to cultivate them, employing wage labour or otherwise. Also, we observed that certain motives for land rental are connected with the lessor's temporary (e.g. distress land 'sale') or permanent (e.g. *mwufar* by non-farmers) migration, or with the lessor being in a specific life cycle stage (e.g. *mwufar* by elderly parents). Consequently, the strategy often followed in longitudinal studies (see, among others, Fitsum Hagos and Holden, 2006; Holden et al., 2007), i.e. to exclude households from the analysis due to sample attrition, may introduce bias for or against specific tenancy configurations.

Furthermore, considering multiple rental logics may help clarify issues regarding the relative efficiency of agricultural production on rented land. First, studies that compare the average productivity of owner-operated and rented land either control for or do not find quality differences between fields managed under different operation systems (Ahmed et al., 2002a; Pender and Fafchamps, 2006; Menale Kassie and Holden, 2007; Deininger et al., 2008b). However, our data suggest that, for certain groups of lessors (e.g. non-farmers), land quality is not the decisive factor in rental decisions, while this is crucial to others (e.g. strategic lessors and poor farmers practicing distress *mwufar*). These latter farmers assess 'land quality' by means of factors as varied as fertility, size, connectivity, distance to both parties' homes, susceptibility to pests and confidence in the likely lessee in the case of co-owned fields³⁶, not all of which are normally taken into account in surveys. Second, the question whether lessees invest less in the rented land because they are under threat of eviction or, to the contrary, more in order to counter this threat, depends on the tenancy configuration. Although sharecroppers know their contract

³⁶ Atakilte Beyene et al. (2006) elaborate on land value criteria in Tigray.

may not extend beyond the current growing season and fixed fee lessees are almost certain that it will be terminated, lessors differ in their criteria for deciding on renewal of the contract. Consequently, lessees in different configurations face different mixtures of long-term and short-term incentives for investment. For instance, if a farmer sharecrops one of his neighbour's fields after the latter's harvest failed, it makes sense to apply mineral fertilizer, which increases yields in the short run, rather than manure, which improves the soil in the long run. However, a farmer who obtained *mwufar* land from a soldier as a reward for services rendered may be inclined to choose the opposite. A landless youngest son who borrows or rents land from his parents depends on their goodwill, but also knows he is due to inherit their land.

The present data imply that the effects of rural land rental on land inequality are ambiguous. The significance of the different types of land rental, running in different directions, may vary between locations and evolve over time. Sampling methods and definitions of what constitutes 'access to' a land 'unit' differ. Researchers have to decide whether it is the formal distribution of land use rights or the distribution after adjustment by exchange and lending that serves as a reference point. They should also consider how to take account of borrowed land that is rented and vice versa. Moreover, access to land may be compared between individuals, households, adults, residents, land owners or active farmers, with different conclusions.

This brings us to our last consideration on the effects of land registration on land rental practices. We would argue that - in the research area and probably in much of the rest of Tigray - it is impossible to adequately test the question whether the regional rural land registration and use rights certification programme introduced at the end of the 1990s³⁷ has promoted land rental by increasing rights holders' tenure security. This is for several reasons. First, land owners already

³⁷ We refer to Mitiku Haile et al. (2005) for a comprehensive account of Tigray land registration.

received provisional land certificates immediately after the 1990 land reform. In the regional registration campaign, these were replaced, but both versions contain the same basic information and farmers do not consider the distinction relevant³⁸. Second, as land acquisition by inheritance or from the government after the land reform has not been systematically recorded, land registers are not up-to-date (see also Adem Siraj, 2006; Solomon Bekure et al., 2006) and hence de facto inadequate as a source of tenure security. Moreover, they are not sophisticated enough to deal with common complicating factors of the current distribution of formal land use rights, such as joint land ownership and the necessary recombination into new 0.5 *gbri* holdings of *tamot* fields and land originally assigned to parents for their children. Informants consider the living memories of their fellow sub-district inhabitants, who witnessed that either they or their parents acquired the land from the government, as sufficient proof of legitimate ownership.

At any rate, we did not find evidence that farmers' land rental decisions are influenced by the level of legal or perceived tenure security³⁹. As observed elsewhere (Mitiku Haile et al., 2005), land certificates are not used in informal land use rights transfers. Also, as we have seen, the different groups of farmer-lessors wish to retain the option of annual contract revision for other reasons than the fear that a lessee might claim their land or that the government might dispossess⁴⁰ them. Moreover, certificates that are issued by the government do not remove this threat of dispossession. We therefore do not expect ongoing efforts to improve and update the land registers to affect farmers' land rental behaviour, although such an undertaking might be

³⁸ This suggests that the Tigray land registration in the late 1990s should maybe not be considered as a 'first-time registration', as Deininger et al. (2008a) do.

³⁹ Our findings contradict these of Holden et al. (2007).

⁴⁰ For instance, on the basis of the legal prohibition of renting land for more than two consecutive years to tenants who use traditional agricultural practices.

indispensable in the long run. Other things being equal, better registration in the short run may only enhance the legal security of non-farmer emigrant land owners, who are at risk of landless farmers' claims to land. This brings us to the question of whose rights one wants to protect, which logically precedes the issue of the security of these rights (see also Shipton and Goheen, 1992; Boone, 2007). In contrast, putting article 11.3 of the 2006 Tigray land proclamation no. 97/1998⁴¹ into effect would probably cause land rental practices to change. This article provides that land may be expropriated from emigrants, which would cause a large group of lessors to disappear.

8. Conclusions

In this paper, we identified a number of contested and neglected areas of Ethiopian land market research and explored how anthropological micro-analysis might engage with these issues. In our research area in Tigray, we distinguished different land rental configurations, each with its own history, logics and dynamics. The replacement of the existing distribution of formal land use rights by a new one, as happened in the 1990 TPLF land reform, and less drastic state interventions in land tenure, but also demographic and economic changes create incentives for people to adapt their informal land use rights transfer institutions and practices. Lavigne Delville et al.'s (2002, pp. 64) conclusion that, in West Africa, trajectories of change with regard to derived rights are 'varied [... and] neither linear, nor uni-directional, and a change in context may upset the dynamics' seems to be equally valid in Ethiopia. At any moment, the result of these separate evolutions can be qualified as 'an expanding (or shrinking) land market'. However, this

⁴¹ This article allows the redistribution to landless farmers of the land owned by households that have left their sub-district for two years. It had not been implemented in the research area at the time of fieldwork.

reveals little about the causes of change, its probable future direction or which policies or interventions would be suitable to reach a specific goal. Without detailed empirical investigation of the content and dynamics of actual arrangements, '[t]erms like “market” can', according to Shipton (1989, pp. 58), 'become cognitive straightjackets for the analyst'. To summarize, we believe that research and policy thinking on land rental in Ethiopia could gain analytical power and relevance by adopting a less monolithic and abstract view on people's informal land use rights transfer practices.

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Note: names of Ethiopian authors are conventionally cited in full on first name.

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